

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT W. TONER,

Plaintiff,

vs.

Case No. 05-74821  
Hon. Robert H. Cleland

BIRMINGHAM ATHLETIC CLUB,  
a Michigan corporation,

Defendant.

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**ORDER FOR DISMISSAL, TO ADMINISTRATIVELY CLOSE THIS CASE AND  
REMAND TO ARBITRATION**

At a session of said Court, held in the City  
of Detroit, County of Wayne, State of Michigan,  
on: March 31, 2006

PRESENT: HON: \_ROBERT H. CLELAND\_\_\_\_\_

The parties having stipulated and agree that the claims of the plaintiff, ROBERT W. TONER, against the defendant, BIRMINGHAM ATHLETIC CLUB, be administratively closed and will be dismissed without prejudice until the final approval of the arbitration decision or

settlement, at which time the case will be dismissed with prejudice and to be remanded to arbitration pursuant to agreement of the parties, the court having reviewed the parties' Stipulation and Arbitration Agreement, the court being fully advised in the premises, now therefore,

IT IS HEREBY ORDERED that the claims of the plaintiff, ROBERT W. TONER, against the defendant, BIRMINGHAM ATHLETIC CLUB presently pending before this Court, be administratively closed;

IT IS FURTHER ORDERED that the above-captioned matter will be dismissed without prejudice until the final approval of the arbitration decision or settlement, at which time the case will be dismissed with prejudice;

IT IS FURTHER ORDERED that the above-captioned matter is remanded to arbitration pursuant to agreement of the parties;

IT IS FURTHER ORDERED that this Honorable Court shall retain jurisdiction for purposes of enforcing the arbitration award, compelling responses to subpoenas, enforcing the terms and conditions of the arbitration award or approving a settlement per 29 C.F.R. §825.220 (d).

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: March 31, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 31, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522